**FOLEY & LARDNER LLP**
ONE MARITIME PLAZA, SIXTH FLOOR
SAN FRANCISCO, CA 94111
TELEPHONE: 415.434.4484
FACSIMILE: 415.434.4507

THOMAS F. CARLUCCI, BAR NO. 135767
tcarlucci@foley.com
ERIN J. HOLLAND, BAR NO. 233305
eholland@foley.com

**FOLEY & LARDNER LLP**
555 SOUTH FLOWER STREET, SUITE 3500
LOS ANGELES, CA 90071
TELEPHONE: 213.972.4500
FACSIMILE: 213.486.0065

PAMELA L. JOHNSTON, BAR NO. 132558
pjohnston@foley.com

ATTORNEYS FOR NON-PARTY WENDY HOWELL

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

| | |
|---|---|
| SECURITIES AND EXCHANGE COMMISSION,<br><br>Plaintiff,<br><br>vs.<br><br>NANCY R. HEINEN,<br><br>Defendant. | Case No.: C-07-2214(JF)<br><br>**DECLARATION OF ERIN J. HOLLAND IN SUPPORT OF NON-PARTY WENDY HOWELL'S MOTION TO QUASH OR, IN THE ALTERNATIVE, FOR ISSUANCE OF A PROTECTIVE ORDER**<br><br>Magistrate Judge Howard R. Lloyd<br><br>Date: December 11, 2007<br>Time: 10:00 a.m.<br>Dept: Courtroom 2, 5th Floor |

Dockets.Justia.com

**DECLARATION OF ERIN J. HOLLAND**

I, Erin J. Holland, hereby declare as follows:

1. I am an attorney in good standing with the State Bar of California and am duly licensed to practice law in the State of California. I am an associate at the law firm of Foley & Lardner LLP, attorneys of record for Non-Party Wendy Howell ("Howell") in the above-captioned matter. I submit this Declaration in support of Non-Party Wendy Howell's Motion to Quash, or in the Alternative, for Issuance of a Protective Order. Unless otherwise stated, I have personal knowledge of the facts set forth below and, if called as a witness, I could and would competently testify thereto.

2. Defendant Nancy Heinen ("Heinen") hired Ms. Howell as a full-time staff attorney for Apple Computer, Inc. in 1997. Ms. Howell reported directly to Defendant Heinen until Heinen's departure in the Spring of 2006.

3. I spoke with Miles Ehrlich and Felicia Gross, counsel for Defendant Nancy R. Heinen, by telephone on October 11, 17, and 22. Ms. Johnston joined me on these calls. We informed Mr. Ehrlich and Ms. Gross of Ms. Howell's objection to the subpoenas served on non-parties Bank of Alameda, Washington Mutual, Wells Fargo & Co., Western Sunrise Mortgage, Franklin Templeton Investments, California State University, Stanford University, and the California State Bar on or about September 21, 2007. Throughout the course of these conversations, we were able to narrow and resolve a number of issues raised by the subpoenas as discussed in the brief.

4. On October 5, 2007, I sent written objections to the subpoenas to Mr. Ehrlich on behalf of Ms. Howell. These objections indicated that Ms. Howell objected to the subpoenas on the grounds that the subpoenas (1) require disclosure of Ms. Howell's personal and private records; (2) seek information irrelevant to the dispute; (3) are impermissibly overbroad; and (4) were issued merely to harass and annoy Ms. Howell.

///

///

///

5. I declare under penalty of perjury that the foregoing is true and correct. Executed on November 2, 2007, in San Francisco, California.

By: s/ Erin J. Holland
ERIN J. HOLLAND